

REMARKS

Claims 20-25 are pending in the present application.

Priority Under 35 U.S.C. 119

Applicant notes the Examiner's acknowledgment of the Claim for Priority under 35 U.S.C. 119, and receipt of the certified copy of the priority document in parent application Serial No. 10/053,897.

Drawings

Applicant notes the Examiner's acceptance of the drawings as filed along with the present application on December 1, 2003.

Information Disclosure Statement

The Information Disclosure Citation Forms as provided by the Examiner along with the Office Action dated June 16, 2004, indicate that the Japanese language foreign patent documents were unavailable for review. It is presumed that the foreign language documents will not be cited of record. These Information Disclosure Citation Forms were submitted along with the Information Disclosure Statement filed with this application on December 1, 2003.

In accordance with 37 C.F.R. 1.98(d), a copy of any patent, publication or other information listed in an Information Disclosure Statement is required to be provided,

unless the earlier application is properly identified in the Information Disclosure Statement and is relied upon for an earlier effective filing date under 35 U.S.C. 120, and the Information Disclosure Statement submitted in the earlier application complies with paragraphs (a) through (c) of 37 C.F.R. 1.98.

Applicant respectfully submits that the present application relies on parent application Serial No. 10/053,897 for an effective earlier filing date under 35 U.S.C. 120, and the parent application is properly identified in the Information Disclosure Statement. Also, the Information Disclosure Statement in parent application Serial No. 10/053,897 as filed on April 24, 2003, was in compliance with 37 C.F.R. 1.98. Accordingly, submission of copies of these documents should be unnecessary in view with 37 C.F.R. 1.98.

Applicant therefore respectfully submits that the Examiner's refusal to cite the foreign language documents of record in this continuation application is improper. The Examiner is therefore respectfully requested to reconsider and cite of record the Japanese language foreign patent documents as listed in the Information Disclosure Statement filed with the present continuation application on December 1, 2003.

Enclosed for the Examiner's consideration are copies of the above noted Japanese language foreign patent documents, and an English translation of the corresponding Japanese Patent Office Action. These documents have merely been provided as a courtesy to expedite prosecution of this application. As noted above,

Double Patenting Rejection

Claims 20-25 have been rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,717,476.

Enclosed is a Terminal Disclaimer in compliance with 37 C.F.R. 3.73(b). This Terminal Disclaimer has been provided merely to advance prosecution of this application. The Examiner is respectfully requested to acknowledge receipt of the Terminal Disclaimer, and to withdraw the obviousness-type double patenting rejection at least in view of the Terminal Disclaimer.

Conclusion

The Examiner is respectfully requested to reconsider and withdraw the corresponding rejection, and to pass the claims of the present application to issue, for at least the above reasons.

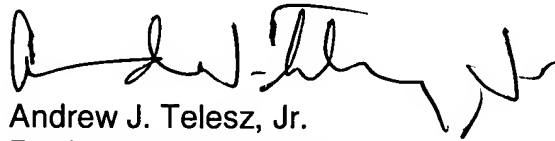
In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (571) 283-0720 in the Washington, D.C. area, to discuss these matters.

The Commissioner is hereby authorized to charge the Terminal Disclaimer fee (\$130.00) to Deposit Account No. 50-0238.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

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Enclosures: Terminal Disclaimer
Copies of Japanese Language Foreign Patent Documents
Copy of English language translation of Japanese Patent Office Action